

HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.1200 of 2007

Date of decision : 06.03.2007

A.K.Sharma

.....Petitioner

versus

Dr.S.S.Mann

.....Respondent

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present: Sh.Rajesh Arora, Advocate for the petitioner

* * *

ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order dated 6.2.2007 passed by the learned Rent Controller, whereby an application to seek an order of eviction against the tenant for non payment of provisional assessed arrears of rent was declined.

The judgment of Hon'ble Supreme Court of India in “*Rakesh Wadhawan versus Jagdamba Industrial Corporation, AIR-2002 S.C.2004*”, has been considered by this Court in case “*Rajinder Lal versus Gopal Krishan, 2006 (2) P.L.R.-124*”, wherein it has been held that in default of payment of provisional arrears of rent, interest and costs, the tenant cannot be ordered to be evicted as the eviction order can only be passed after making an enquiry under Section 13 (2) of the Haryana Urban (Control of Rent and Eviction) Act, 1973.

In view of the aforesaid judgment, I do not find any illegality or irregularity in the order passed by the learned Rent Controller, which may warrant interference of this Court in exercise of its revisional jurisdiction, at the instance of the petitioner.

Dismissed.

March 6, 2007

**mohinder*

**(HEMANT GUPTA)
JUDGE**